

SENATE BILL 2951
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2, relative to the offense of vehicular homicide.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-213 is amended to change the current subsection (c) to subsection (d) and to add the following language as a new subsection (c):

(c)(1) If at the time of imposition of the sentence for a violation of subdivision (a)(2), the defendant has been convicted of three (3) violations of Tennessee Code Annotated, Sections 55-10-401, 39-13-106, or 39-13-213, or any combination of each, or of a violation under the laws of any other state or jurisdiction, which, if committed in this state would have constituted a violation of Tennessee Code Annotated, Sections 55-10-401, 39-13-106, or 39-13-213, said offenses occurring prior to the commission of the violation of subdivision (a)(2), then the defendant shall be sentenced as a career offender pursuant to the provisions of Tennessee Code Annotated, Section 40-35-108.

(c)(2) If at the time of imposition of the sentence for a violation of subdivision (a)(2), the defendant has been convicted of two (2) violations of Tennessee Code Annotated, Sections 55-10-401, 39-13-106, or 39-13-213, or any combination of each, or of a violation under the laws of any other state or jurisdiction, which, if committed in this

state would have constituted a violation of Tennessee Code Annotated, Sections 55-10-401, 39-13-106, or 39-13-213, said offenses occurring prior to the commission of the violation of subdivision (a)(2), then the defendant shall be sentenced as a persistent offender pursuant to the provisions of Tennessee Code Annotated, Section 40-35-107.

(c)(3) If at the time of imposition of the sentence for a violation of subdivision (a)(2), the defendant has been convicted of one (1) violation of Tennessee Code Annotated, Sections 55-10-401, 39-13-106, or 39-13-213, or of a violation under the laws of any other state or jurisdiction, which, if committed in this state would have constituted a violation of Tennessee Code Annotated, Sections 55-10-401, 39-13-106, or 39-13-213, said offense occurring prior to the commission of the violation of subdivision (a)(2), then the defendant shall be sentenced within one range higher than the defendant would otherwise be eligible pursuant to the provisions of Tennessee Code Annotated, Sections 40-35-105--109.

(c)(4) If at the time of the commission of the offense of vehicular homicide as defined in Tennessee Code Annotated, Section 39-13-213(a)(2), there was twenty-hundredths of one percent (.20%) or more by weight of alcohol in the defendant's blood and the defendant falls within either (c)(1), (c)(2) or (c)(3), then the sentence imposed shall be within one range higher than the sentence otherwise imposed under (c)(1), (c)(2) or (c)(3) of this act, whichever is applicable.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

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